

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-10217-GAO
)	
DARREN WILDER)	

PROTECTIVE ORDER

IT IS HEREBY ORDERED:

1. The defendant shall provide to the government a blank hard drive for the purpose of obtaining a mirror copy of the defendant's hard drive ("The Copy") seized in the above referenced case. The government shall make a mirror copy of the defendant's hard drive necessarily including any and all actual or alleged child pornography and/or contraband contained thereon, and provide it to defense counsel either in hand or via Federal Express. If the government utilizes Federal Express, the government shall retain the tracking number issued by Federal Express until such time as delivery to defense counsel is confirmed. Defense counsel shall maintain The Copy as follows:
 - a. The Copy shall be maintained by defense counsel in accordance with this Order, and shall be used by counsel and employees of his office designated by defense counsel solely and exclusively in connection with this case (including trial preparation, trial and appeal).
 - b. The Copy shall be maintained only by defense counsel in a locked file or cabinet at all times, except while being actively utilized as provided for in this Order.
 - c. A copy of this Order shall be kept with The Copy at all times.
 - d. The Copy shall be accessed and viewed only by defense counsel and staff employed by defense counsel.

- e. Defendant himself shall not be permitted to access or view any graphic image file containing actual or alleged child pornography, on The Copy, without petition and prior order of this Court. However, defendant may access and view non-image data contained on The Copy for the purpose of assisting in the preparation of his defense in the presence of counsel and under the direct supervision and control of counsel.
 - f. Any computer into which The Copy may be inserted for access and operation shall not be connected to a network while The Copy is inserted into any computer.
 - g. The computer into which The Copy is inserted may be connected to a printer only under the following conditions: that any printer utilized is a local printer, that the printer may be connected only when and as necessary to print non-graphic image files, and that defense counsel or staff employed by defense counsel shall be personally present at all times a printer is connected.
 - h. In no event shall any graphic image containing actual or alleged child pornography be copied, duplicated, or replicated, in whole or in part, including duplication onto any external media.
2. The defendant's expert, whose name shall be provided to the Court, may view and retain The Copy, which includes evidence files for all media seized from defendant's work computer, necessarily including any and all actual or alleged child pornography and/or contraband contained thereon. The expert shall maintain and secure The Copy in the following manner:
- a. The Copy shall be maintained by the expert in accordance with this Order, and shall be used by the expert solely and exclusively in connection with this case.
 - b. The Copy shall be maintained by the expert in a locked drawer or filing cabinet in his/her office at all times, except while being actively utilized as provided for in this Order.
 - c. A copy of this Order shall be kept with The Copy at all times.

- d. The Copy shall be accessed and viewed only by the designated expert and his/her staff who the expert has given this Order to and who agree, in writing, to be bound by the requirements of this protective order.
 - e. The expert shall maintain custody over The Copy and shall maintain a list of all staff granted access to it.
 - f. Any computer into which The Copy may be inserted for access and operation shall not be connected to a network while the hard drive is inserted into any computer.
 - g. The computer into which The Copy is inserted may be connected to a printer only under the following conditions: that any printer utilized is a local printer, that the printer may be connected only when and as necessary to print non-graphic image files, and that the expert or staff who are subject to this Order shall be personally present at all times a printer is connected.
 - h. In no event shall any graphic image containing actual or alleged child pornography be copied, duplicated, or replicated, in whole or in part, including duplication onto any external media.
- 3. The government shall provide any discoverable expert report (the Encase file) in this case pursuant to the timing requirements agreed upon in the Joint Report filed by the parties on October 21, 2004.
 - 4. Within 30 days of termination of this matter (including the termination of any appeal), defense counsel shall return (or cause the return of) The Copy to a representative of the Federal Bureau of Investigation. Upon the return of the copy of retained evidence, defense counsel shall file a brief report to the Court specifying that the terms of this Order have been complied with and reporting the return of the copies of evidence.

IT IS SO ORDERED this 11th day of January, 2006.

/s/ George A. O'Toole, Jr.
United States District Judge